



## **MEETING MINUTES**

### **MILPITAS PLANNING COMMISSION**

**September 11, 2019 7:00 PM**

#### **CITY HALL COMMITTEE ROOM**

**455 E. CALAVERAS BLVD., MILPITAS, CA 95035**

- I. CALL MEETING TO ORDER**      **Chair Mandal** called the meeting to order at 7:00 P.M.
- II. PLEDGE OF ALLEGIANCE**      **Commissioner Tao** asked for a moment of silence to commemorate September 11<sup>th</sup> before leading the Pledge of Allegiance.
- III. ROLL CALL**
- Present:** Chair Mandal, Vice Chair Morris, Commissioner Chua, Alcorn, Chuan, Tao, Ablaza
- Absent:**
- Staff:** Ned Thomas, Jessica Garner, Heather Lee, Michael Fossati, Krishna Kumar, Elizabeth Medina
- IV. CONFLICT OF INTEREST DECLARATION**      **City Attorney Heather Lee** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.
- V. APPROVAL OF AGENDA**      **Chair Mandal** asked if staff or Commissioners had changes to the agenda and there were none.
- Motion** to approve the September 11, 2019 agenda as presented.
- Motion/Second: Commissioner Tao/Commissioner Chua
- AYES: 7
- NOES: 0
- ABSTAIN: 0
- VI. ANNOUNCEMENTS**      **Planning Director Ned Thomas** provided departmental updates to the commission regarding:
- Budget in Brief handout; summary of City's budget.
- VII. PUBLIC FORUM**      **Chair Mandal** invited members of the audience to address the commission.
- Frank Desmidt** shared information about upcoming fundraisers for the Rotary Club at Outback Steakhouse and Chamber of Commerce Casino Night.

## VIII. APPROVAL OF MEETING MINUTES

**Chair Mandal** called for approval of the August 28, 2019 meeting minutes of the Planning Commission.

**Motion** to approve Planning Commission meeting minutes.

Motion/Second: Commissioner Chua/Commissioner Chuan

AYES: 7

NOES: 0

ABSTAIN: 0

**Chair Mandal** asked City Attorney, Heather Lee if he and Commissioner Tao can vote as “abstain” for last Item IX-3 – Robson Homes Single-Family Development from August 28<sup>th</sup> PC meeting.

## IX. PUBLIC HEARING

**X-1 AC HOTEL – 521 ALDER DR. – SD19-0005, UP19-0005, VA19-0004, TP19-0001:** Site Development Permit and Conditional Use Permit to allow: 1) development of a 155-room business hotel in the MP Industrial Park Zoning District with a Recreation and Entertainment Overlay; 2) a building height up to 85 feet (seven stories); 3) a floor-area ratio of up to 2.85; 4) the on-sale of alcoholic beverages in conjunction with a restaurant, and; 5) a shared parking arrangement with the adjacent hotel. The project also requires approval of a Variance to allow a five-foot reduction in the rear-yard setback and a Minor Tentative Map to subdivide the existing 3.34-acre parcel into two parcels. This Project is consistent with the “Element and Aloft Hotels Project Initial Study/Mitigated Negative Declaration” considered by the Planning Commission on April 25, 2018. As a separate and independent basis, this project is exempt from further environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15183 (Projects consistent with a Community Plan or Zoning). Project Planner: Michael Fossati, (408) 586-3274, [mfossati@ci.milpitas.ca.gov](mailto:mfossati@ci.milpitas.ca.gov)

Project Planner Michael Fossati showed a presentation and discussed the project.

Chair Mandal invited applicant, Trevor Edwards from Dynamic City Capital to share information in regards to their application.

Vice Chair Morris asked applicant what was their overall vision of this project. Mr. Edwards said they first had questioned themselves on doing a combined hotel on the parcel; but based on market conditions and financial considerations they felt like they needed to break it into two - Phase 1 (Element Hotel) and Phase 2 (AC Hotel). Mr. Edwards also mentioned that there will be parking within the structure to meet parking ratio. Ms. Morris asked if this will be designed to be a high end hotel. Mr. Edwards stated yes, it will be sophisticated, modern and contemporary.

Commissioner Tao asked if there is an assessment of districts or CC&Rs between the two parcels. Mr. Edwards stated no. Mr. Tao asked will a CC&Rs be set up. Per the City, Mr. Edwards said there will be an agreement for the storm drain but as far as a maintenance (landscaping, parking, etc) that will be a private agreement that will be worked on. Mr. Tao stated he wants to make sure a level of excellence is maintained and also asked applicant to describe parking agreement. Mr. Edwards stated they are in the development stage of that as well, however, wants to make sure their guests can park. Mr. Tao referenced the guest experience, and asked how and

where will a guest know where to park if there is shared parking between the two hotels. Mr. Edwards said there will be signage and hotel staff to help direct with parking. Mr. Tao asked applicant to describe the bar and restaurant services. Mr. Edwards said they will follow prescriptive hours of the Marriott. Mr. Tao asked if there will there be a meeting room and will hotel be able to handle parking for committee room if there was a special event. Mr. Edwards said he believes there will more than enough parking between what they are providing for their guests based on experiences and believes they would be able to handle the parking situation.

Commission Chuan, coming from corporate point of view, shared he is excited for hotels, asked to see exhibit displayed (with materials that will be used for hotel) and asked applicant if he had any comments. Mr. Edwards said that the AC Hotel, would compliment the Element Hotel and surrounding area. Mr. Chuan asked applicant to describe the vision of what art will be on site. Mr. Edwards said they have met with the City's Public Art liason and a Public art consultant to start the ball rolling.

Commissioner Ablaza asked if the property will be managed by Marriott Hotels. Mr. Edwards said it will be managed by their sister company, Lodging Dynamics, a franchisee. Mr. Ablaza shared a tip for parking; based on ridership, VTA was willing to share parking in 2009, something he recommends they look into.

Commissioner Chua asked what is the reason for the variance. Mr. Fossati said a portion of the site is sloped. Ms. Chua revisits sidewalk issue. Mr. Fossati explained the sidewalk plans to attach to the Cisco sidewalk completely underneath the bridge. Ms. Chua asked Mr. Fossati to explain the Affordable Housing Linkage Fee. Ms. Chua shared she likes idea of applicant of doing their own art, that hotel will bring revenue into the City (via TOT tax) and likes the design of the building.

Commissioner Ablaza asked if there will be sidewalks on both sides of Barber Lane. Mr. Fossati said just on one side.

Chair Mandal asked what will be the name of the hotel, will it say Milpitas Marriott. Mr. Fossati said that due to branding, the Milpitas name cannot be put on the sign; Marriott does not allow; however it can be referenced in the lobby and such. Mr. Mandal asked where are there AC Hotels. Mr. Edwards shared the other locations. Mr. Mandal asked what is the TOT percentage. Mr. Fossati said 14% and it comes directly to the City. Mr. Mandal asked when will BART open. Mr. Fossati said that based on the VTA meetings he has attended, December 2019.

Commissioner Morris asked does this item also include alcohol license approval. Mr. Fossati said although they will still need to apply with ABC, this item does provide the foundation for that.

Commissioner Tao asked if solar is required for this project. Mr. Edwards said that this project will be solar ready. Mr. Tao asked how will color contrast/compliment, designate which hotel is which. Mr. Edwards said that the Element will have darker tones than the AC Hotel. Revisiting the sidewalk, Mr. Tao asked if it would be lit. Mr. Edwards said there are lights under the overpass, and do not have a plan to install any additional lighting. Mr. Tao asked are there Public Works standards on whether the sidewalk is lit or not. Mr. Fossati said that when applicants apply for their encroachment permits, they would have to meet City standards. Mr. Tao asked what are the planned security measures. Mr. Edwards said that the property will not be gated but there we be security cameras and key cards will be needed to enter the

hotel. Mr. Tao asked about logical spots designated for ride share. Mr. Fossati said the site does not have a designated area for ride share; most ride share customers are picked up at lobby area. Mr. Edwards said there will be seating outside of lobby for those who wait for their ride shares.

Commissioner Chua asked if there was there public comment. Mr. Fossati said there was none.

**Chair Mandal** invited members of the audience to address the commission.

John Agg long time resident of Milpitas, explains him having a hard time trying to relate a high-end hotel with riding a bicycle (referencing image from Staff report). Mr. Agg also wanted know what times are defined as low peak traffic. Mr. Agg asked when it comes to public art who makes the decision, the commission, the developer or the City; he would like to know who has the applicant been in contact with in regards to public art.

**Motion** to close the public hearing.

Motion/Second: Vice Chair Morris/Commissioner Alcorn

AYES: 7

NOES: 0

Commissioner Tao proposed to add language to resolution about adding shared parking agreement if parcel is split. Mr. Thomas noted there should be a condition and there will be a required covenant of easement to be executed. Ms. Lee stated that it would run with the land to make sure the requirements are met. Mr. Tao revisits the CC&R conversation. Mr. Thomas agreed that those conditions should be included as well.

Chua suggests for applicant to reach out to chair of the Public Arts commission.

**Motion** to adopt Resolution 19-025 and approve: 1) Site Development Permit No. SD19-0005 and Conditional Use Permit No. UP19-0005 to allow development of a 155-room business hotel, up to 85 feet (seven stories) in height, with a floor-area ratio of 2.85, a shared parking arrangement with the adjacent hotel, and the on-sale of alcoholic beverages in conjunction with a restaurant; 2) Variance Permit No. VA19-0004 to allow a five-foot reduction in the rear setback, and; 3) Minor Tentative Map TP19-0001 to subdivide into two lots the existing 3.34-acre parcel located at the northwest corner of the intersection of Alder Drive and Barber Lane (521 Alder Drive), subject to findings and Condition of Approvals.

And, include updates to resolution discussed at beginning of the meeting, to add the word “approximate” to the condition about the FAR; and, remove last condition pertaining to shuttle service.

Also, add condition to execute covenant of easement to the resolution about shared parking agreement, maintenance, pedestrian access, and other shared responsibilities.

Motion/Second: Commissioner Tao/Commission Alcorn

AYES: 7

NOES: 0

ABSTAIN: 0

**IX-2 LARGE FAMILY DAYCARE – 701 PENITENCIA STREET – P-LF19-0001:**

Conditional Use Permit to allow a large family daycare home to operate within 300 feet of another existing large family daycare home. This project is exempt from further environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15274 (Family Day Care Homes) and Section 15332 (In-Fill Development Projects). Project Planner: Krishna Kumar, (408) 586-3276, [kkumar@ci.milpitas.ca.gov](mailto:kkumar@ci.milpitas.ca.gov)

Project Planner Krishna Kumar showed a presentation and discussed the project.

Chair Mandal invited applicant, Raja Yootita to share information in regards to her application.

Vice Chair Morris asked applicant if she will be accepting students before 9am. Ms. Yootita said no because she drops off daughter to school first at 8:45am.

Commissioner Chuan wanted details of the public comment via phone. Ms. Kumar shared that the resident wanted to know more information about the project, the hours of operation and resident had no opposition. Mr. Chuan asked applicant how does she envision running the day care. Ms. Yootita shared that she already operates a small day care and shared her day care's daily schedule (reading, outside play, eating, etc.). Mr. Chuan asked if there is security for the children. Ms. Yootita said she has cameras installed at front door and backyard.

Commissioner Alcorn said she should have a security camera to see cars in driveway and in front of house.

Mr. Tao asked what time is outdoor playtime. Ms. Yootita said it is at 10:30am for 30-40 minutes. Mr. Tao asked if the number of students is consistent with regulation. Ms. Kumar said that daycares are regulated by California Department of Social Services mentioning that Ms. Yootita will continue to have 8 children; age of one student triggered applicant to have to apply for large family day care permit. Mr. Tao asked for clarification of whether applicant is a renter, as he found that Atlantis Properties is listed as the owner. Mr. Thomas said Staff would do further investigation.

Commissioner Chua suggested that applicant reach out to public comment email regarding traffic. Ms. Kumar shared that did an on site visit/observation of the area and though it was busy, there was moving traffic.

Chair Mandal how late are children are picked up. Ms. Yootita said before 6pm. Mr. Mandal asked if children go to backyard after 5pm. Ms. Tootita said no. Mr. Mandal wanted to make sure there is lighting for fall weather (when the sun sets earlier).

**Chair Mandal** invited members of the audience to address the commission.

**Motion** to close the public hearing.

Motion/Second: Commissioner Alcorn/Vice Chair Morris

AYES: 7

NOES: 0

ABSTAIN: 0

**Motion** to adopt Resolution No. 19-027 and approve Conditional Use Permit No. P-LF19-0001 to allow a large family daycare home to operate at 702 Penitencia Street, which is within 300 feet of another existing large family daycare home, subject to the attached Conditions of Approval.

Adding condition that staff will investigate and verify ownership of property.

And, Commissioner Alcorn's condition to add one more security camera in front of house, garage to ensuring that visuals of cars coming and going are captured.

Motion/Second: Commissioner Ablaza/Commission Chuan

AYES: 6

NOES: 0

ABSTAIN: 1 (Tao)

## **X. NEW BUSINESS**

### **NO ITEMS**

## **XI. ADJOURNMENT**

The meeting was adjourned at 8:43pm.

**Motion** to adjourn to the next meeting.

Motion/Second: Vice Chair Morris/Commissioner Tao

AYES: 7

NOES: 0

*Meeting Minutes submitted by  
Planning Commission Secretary Elizabeth Medina*